



November 29, 2022

## MEMORANDUM ENDORSED

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Hon. Gregory H. Woods  
United States District Judge, S.D.N.Y.  
500 Pearl St.  
New York, New York 10007  
Via ECF

USDC SDNY  
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**RE: Second Consent Letter Motion for Extension of Time File Plaintiff's Consolidated Motion as to [150] Order on Motion for Extension**

*Viahart, LLC v. Creative Kids Online, LLC*, No. 1:20-cv-09943-GHW (S.D.N.Y.)

Dear Judge Woods:

We represent Plaintiff Viahart LLC in this Action. With Defendants' consent, we write to request extensions on the upcoming deadline for Viahart's consolidated motion for summary judgment and to dismiss due on December 1, 2022 [ECF No. 150].

Good cause exists for the court to grant Viahart a one-week extension of time to file the Consolidated Motion. Viahart has been diligently preparing its motion with materials supporting facts that cannot be disputed as required by Rule 56. On November 16, 2022, Viahart obtained supplemental production from Amazon containing four excel files containing approximately 814 pages of information. This information is relevant to several genuine issues, is highly probative of material facts, and was also previously unknown.

Moreover, the Parties diligently worked to resolve several pending issues to potentially narrow the breadth of Viahart's Consolidated Motion. On November 22, 2022, the Parties stipulated to the dismissal of certain affirmative defenses; however, the Parties were unable to reach a stipulation that fully narrowed the grounds under the Consolidated Motion. Consequently, Viahart will need additional time to finalize evidence with respect to these grounds for dismissal under Rules 12 or 56.

Finally, Viahart's representatives have had limited availability during the past few weeks due to increase demand resulting from the holiday period. These issues have hindered Viahart's ability to finalize the declaration and evidence.

Viahart seeks a 1-week extension of the deadline for Viahart's Consolidated Motion from December 1st to December 8, 2022. After conferring, Defendants consented to this extension. This is Viahart's second request for an extension on this deadline.

For these reasons, Viahart respectfully request that the Court find that good cause exists for extending the deadline for Viahart to file the Consolidated Motion to December 8th.



Sincerely,

CHRISTIAN J. COWART  
Counsel for Plaintiff

cc: All counsel of record (via ECF)

Application granted. The deadline for Plaintiff to file and serve its consolidated motion for summary judgment and motion to dismiss Defendants' affirmative defenses is December 8, 2022. Defendants' consolidated opposition is due within five weeks after service of Plaintiff's consolidated motion. Plaintiff's consolidated reply, if any, is due within two weeks after service of Defendants' consolidated opposition.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 157.

SO ORDERED.

Dated: November 30, 2022  
New York, New York



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GREGORY H. WOODS  
United States District Judge